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NANCY CANALE and
21 NANCY CANALE AS TRUSTEE OF THE BERNARD CANALE
AND NANCY CANALE 1998 REVOCABLE TRUST
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28 STIPULATION AND ORDER OF DISMISSAL OF NANCY CANALE, AS TRUSTEE OF THE BERNARD
CANALE AND NANCY CANALE 1998 REVOCABLE TRUST, AND BERNARD CANALE, BY AND
THROUGH HIS SUCCESSOR IN INTEREST NANCY CANALE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No: 2:23-cv-00320-JAM-CKD
Plaintiff,)	
vs.)	STIPULATION AND ORDER OF
)	DISMISSAL OF NANCY CANALE, AS
)	TRUSTEE OF THE BERNARD CANALE
)	AND NANCY CANALE 1998
)	REVOCABLE TRUST, AND BERNARD
)	CANALE, BY AND THROUGH HIS
JOEL LYNN NOLEN; SHIRLEE NOLEN;)	SUCCESSOR IN INTEREST NANCY
NOLEN PROPERTIES, LLC; NANCY)	CANALE
CANALE, as trustee of the Bernard Canale)	
and Nancy Canale 1998 Revocable Trust; and)	
BERNARD CANALE, by and through his)	
successor in interest NANCY CANALE.)	
Defendants.)	

Pursuant to the Court’s Order of September 27, 2024 (ECF No. 77), Plaintiff United States of America (the “United States”) and Defendants Nancy Canale, as trustee of the Bernard Canale and Nancy Canale 1998 Revocable Trust, and Defendant Bernard Canale, by and through his successor in interest Nancy Canale (the “Canale Defendants”), submit this Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)¹:

1. On September 19, 2024, the United States and the Canale Defendants submitted a proposed Consent Order resolving the United States’ claims against the Canale Defendants, for entry by this Court. ECF No. 68.

2. On September 27, 2024, the Court entered the Consent Order. ECF No. 78.

3. As provided in Paragraph 26 of the Consent Order, the Court shall retain jurisdiction for a period of five (5) years after entry of the Consent Order, for the purpose of enforcing or interpreting the provisions of the Consent Order.

¹ Although Rule 41 speaks in terms of dismissal of actions, the Rule may be used to dismiss all claims against individual defendants without dismissing the entire action. *See Pedrina v. Chun*, 987 F.2d 608, 609-10 (9th Cir. 1993).

4. Therefore, the United States and the Canale Defendants submit that all claims against the Canale Defendants should be dismissed without prejudice to the United States' right to seek the Court's intervention to resolve any disputes as to the Consent Order.

5. This Stipulation of Dismissal is not intended in any way to affect the pendency of claims in this Civil Action against defendants other than the Canale Defendants.

Dated this 3rd day of October, 2024.

Respectfully submitted,

For the United States:

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Eastern District of California

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/s/ Emilia P.E. Morris
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For NANCY CANALE, as trustee of the Bernard Canale and Nancy Canale 1998 Revocable Trust; and BERNARD CANALE, by and through his successor in interest NANCY CANALE:

JACOBS, ANDERSON, POTTER,
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/s/ Andrea M. Wieder
Andrea M. Wieder

STIPULATION AND ORDER OF DISMISSAL OF NANCY CANALE, AS TRUSTEE OF THE BERNARD CANALE AND NANCY CANALE 1998 REVOCABLE TRUST, AND BERNARD CANALE, BY AND THROUGH HIS SUCCESSOR IN INTEREST NANCY CANALE

ORDER

The stipulation is **APPROVED**.

Defendants Nancy Canale, as trustee of the Bernard Canale and Nancy Canale 1998 Revocable Trust, and Defendant Bernard Canale, by and through his successor in interest Nancy Canale (the “Canale Defendants), are **DISMISSED** from the case without prejudice to the United States’ right to seek the Court’s intervention to resolve any disputes as to the Consent Order between the United States and the Canale Defendants (ECF No. 78).

Upon the expiration of the Consent Order, the Canale Defendants shall be **DISMISSED with prejudice**.

SO ORDERED.

Dated: October 03, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

STIPULATION AND ORDER OF DISMISSAL OF NANCY CANALE, AS TRUSTEE OF THE BERNARD CANALE AND NANCY CANALE 1998 REVOCABLE TRUST, AND BERNARD CANALE, BY AND THROUGH HIS SUCCESSOR IN INTEREST NANCY CANALE